

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

CHRISTINE BERNARD

PLAINTIFF

VS.

CAUSE NO.

=

1:20-cv-308-HSO-JCG

DG LOGISTICS, LLC; AND
JOHN AND JANE DOES A; B; C AND D

DEFENDANTS

DEFENDANT'S NOTICE OF REMOVAL OF CIVIL ACTION

COMES NOW, the Defendant, DG LOGISTICS, LLC, by and through its undersigned counsel of record, Deutsch Kerrigan, L.L.P., and pursuant to 28 U.S.C. §1332, §1441, §1446 and §1447 hereby files this Notice of Removal of this action from the County Court of the Jackson County, Mississippi, to the United States District Court for the Southern District of Mississippi, Southern Division, stating as follows:

1. **Removal.** Defendant, DG LOGISTICS, LLC hereby removes this civil action from the County Court of the Jackson County, Mississippi to the United States District Court for the Southern District of Mississippi, Southern Division, pursuant to 28 U.S.C. § 1441(a). The County Court of Jackson County, Mississippi is located within the Southern Division of the Southern District of this Court. 28 U.S.C. §104(b)(2).

2. **The State Court Action.** *Christine Bernard vs. DG Logistics, LLC; and John and Jane Does A; B; and C*, Cause No. CO-2020-21,106, was filed in the County Court of Jackson County, Mississippi, on August 21, 2020, by Plaintiff Christine Bernard through her attorney Corban Gunn of Corban Gunn, PLLC. DG LOGISTICS, LLC was served on September 2, 2020. Plaintiff demands judgment against the Defendant for actual and compensatory damages in an unspecified amount within the jurisdictional limits of the County Court, which amount is \$200,000.00.

3. **Filings in State Court.** All of the filings in State Court record are attached to this notice as Exhibit “A”. In addition, pursuant to 28 U.S.C. §1447 and Rule 5(b) of the Local Uniform Civil Rules of the United States District Courts for the Northern District of Mississippi and the Southern District of Mississippi, a complete copy of the state court record will be electronically filed as a single docket item in this matter no later than fourteen (14) days after the docketing of this Notice of Removal.

4. **Propriety of Removal.** This removal is proper under 28 U.S.C. § 1441(a). The state court action could have been brought in the United States District Court as a diversity action with alleged damages meeting or exceeding the jurisdictional requirements for removal under 28 U.S.C. §§ 1332 and 1441(a). This action is properly removed under 28 U.S.C. § 1441(a) to the Southern District of Mississippi, Southern Division, as the district and division embracing the County Court of Jackson County, Mississippi where the state court action is pending.

5. **Diversity.** Plaintiff Christine Bernard is a citizen of Jackson County, Mississippi. Defendant, DG LOGISTICS, LLC is a foreign corporation. The Complaint alleges the occurrence of a collision occurring in Jackson County, Mississippi.

6. **Amount in Controversy.** The Complaint alleges at Paragraphs 6 and 7 that a motor vehicle collision occurred when Plaintiff was struck by Defendant’s commercial vehicle and that she suffered injuries and damages more fully described in Paragraphs 11 and 12, consisting of “much pain and suffering, as well as emotional and mental anguish[,]” as well as “(a) Serious injuries; (b) Pain and Suffering; (c) Medical treatment and expenses; (d) Emotional and mental anguish; (e) Property damage to her vehicle; (f) Consequential expenses; and (g) Loss of enjoyment of life.” Plaintiff, through counsel, has made a pre-suit demand by letter dated July 14, 2020, in the

amount of \$115,548.76, an amount in excess of the \$75,000.00 minimum of the amount in controversy element to be satisfied to establish jurisdiction.

7. **Timeliness.** This removal petition is filed within thirty days of notice of the subject lawsuit by the defendant as DG LOGISTICS, LLC; and less than one year has elapsed since the commencement of this action. DG LOGISTICS, LLC has not yet answered or pled responsively to the Complaint.

8. **Consent to Removal by All Defendants.** There is only one defendant in this matter and so consent to the notice of removal is not an issue.

9. **Notice to Others.** Pursuant to 28 U.S.C. §1446, a notification to the state court of this removal is attached hereto as Exhibit "B".

10. **Demand for Jury Trial.** Plaintiff's Complaint includes a demand for trial by jury.

WHEREFORE, DG LOGISTICS, LLC removes this action to the United States District Court for the Southern District of Mississippi, Southern Division.

RESPECTFULLY SUBMITTED this the 1st day of October, 2020.

DG LOGISTICS, LLC

BY: 

R. Douglas Vaughn (#99404)

R. Douglas Vaughn (#99404)

DEUTSCH KERRIGAN, L.L.P.

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Counsel for Defendant, DG Logistics, LLC

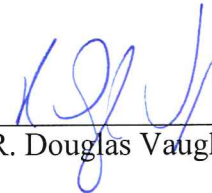
CERTIFICATE OF SERVICE

I, R. Douglas Vaughn, hereby certify that on this day I filed the above and foregoing *Defendant's Notice of Removal of Civil Action* or other paper with the Clerk of the Court and sent a copy of same to the following:

Corban Gunn (#101752)
CORBAN GUNN, PLLC
P.O. Box 1466
Biloxi, MS 39533
Telephone: (228) 284-6805
Facsimile: (228) 284-6806
Counsel for Plaintiff, Christine Bernard

This, the 1st day of October, 2020.

BY:



R. Douglas Vaughn (#99404)